

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In re:	:	
	:	
Soomock Shim	:	Chapter 13
	:	
Debtor	:	Bankruptcy No. 23-12052-amc

**TRUSTEE'S OBJECTION TO CLAIM OF EXEMPTIONS**

Scott F. Waterman, Standing Chapter 13 Trustee, by and through his attorney,  
objects to the Debtor's claim of exemptions as follows:

1. Debtor elected to exempt \$69,753.90 of equity in his residence located at 402 Victoria Drive, Montgomeryville, PA 18936 using the Pennsylvania tenants by entireties exemptions. A copy of the Statement of Exemptions is attached as Exhibit "A."

2. However, the Debtor's residence not titled as tenants by entireties, but rather it is titled solely in the Debtor's name alone. A certified copy of the Montgomery County Recorder of Deeds Office Records evidencing ownership is attached as exhibit "B."

3. A Pennsylvania debtor is only able to take the entireties exemption for property that is actually titled as "husband and wife or tenants by the entireties." See U.S. v. Klimek, 952 F. Supp. 1100, 1115 (E.D. Pa. 1997)(unless property is titled as tenancy by the entireties, it is not). see also In re Farris, 194 B.R. 931, 941 n. 12 (Bankr. E.D.Pa.1996) ("The presumption that all property is matrimonial property coming into the marriage is not equivalent to the creation of entireties property, which requires that the property be acquired in joint names of husband and wife.") (quoting Fratangelo v. Fratangelo, 360 Pa.Super. 487, 498, 520 A.2d 1195, 1201 (Pa.Super.Ct.1987)); Augello

v. United States, No. 1:92-CV-697, 1993 WL 330472, at \*3 (M.D. Pa. June 4, 1993)

("Under Pennsylvania law, a tenancy by the entirety is a special form of co-ownership that arises between husband and wife when property is placed in the name of both spouses.")

4. Because the Debtor's real estate is only titled in his name alone and is not titled jointly with his spouse, his election to exempt the account under the state exemptions is improper and should be disallowed.

**WHEREFORE**, Scott F. Waterman, Standing Chapter 13 Trustee, respectfully requests that the aforesaid exemption be disallowed.

Respectfully submitted,

Date: September 26, 2023

/s/Ann E. Swartz

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for

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Standing Chapter 13 Trustee

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